

REMARKS

Claims 1-3 and 7 are in the application.

Claims 1 and 2 have been objected to as containing non-elected subject material. Claims 1 and 2 have been amended to remove such material rendering this objection moot.

Claims 1, 3 and 7 have been rejected under 3 USC 112, first paragraph. It is the Examiner's position that solvates of formula I are not enabled. Deletion of the word "solvate" from the claims renders this rejection moot.

Claim 7 has been rejected under 35 USC 112, first paragraph. It is the Examiner's position that the specification does not reasonably provide enablement for the in vivo use of compounds of formula I as histamine H3 receptors. According to the Examiner, these claims do not distinctly claim subject matter of the invention. It is believed this rejection is moot in view of the amendments to Claim 7.


Claim 2 and 7 have been rejected under 35 USC 112, second paragraph with respect to the phrase "neurological diseases". It is believed this rejection is moot in view of the amendments to these claims.

Claim 2 has been rejected under 35 USC 112, second paragraph, as not standing independent of the specification. Accordingly, Applicants have amended this claim so that it does by placing the structures from the specification in the claims.

Accordingly, it is respectfully requested that all rejections of the claims be reconsidered and withdrawn and that the application as amended be allowed.

The Commissioner is hereby authorized to charge any fees required or credit any overpayment to Deposit Account No. 07-1392.

Respectfully submitted,


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